

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 404

**FISCAL
NOTE**

BY SENATORS FERNS, PLYMALE, STOLLINGS AND

PREZIOSO

[Introduced January 27, 2016;

Referred to the Committee on Health and Human
Resources; and then to the Committee on Finance.]

1 A BILL to amend and reenact §16-3C-2 of the Code of West Virginia, 1931, as amended; to
 2 amend said code by adding thereto two new sections, designated §16-3C-2a and
 3 §16-3C-2b; and to amend and reenact §16-4-19 of said code, all relating to testing for HIV
 4 and sexually transmitted diseases; authorizing billing of persons for HIV and sexually
 5 transmitted disease testing or sexually transmitted disease treatment done by state or
 6 local public health agencies; informing persons who wish to opt out of HIV-related testing
 7 that anonymous testing is available; authorizing magistrate and circuit courts to order
 8 testing of persons accused of certain sex crimes; requiring prosecuting attorneys to file
 9 motion for testing upon request of victim or victim's parent or guardian; establishing a
 10 timeframe for mandatory testing; providing for follow-up HIV-related testing as medically
 11 appropriate; providing that costs associated with testing may be borne by the state when
 12 the defendant or juvenile respondent is financially unable to pay; authorizing billing of a
 13 defendant's or juvenile respondent's health insurance provider; requiring testing of
 14 juveniles adjudicated of certain sex crimes; removing counseling requirement; removing
 15 exemption for providers regulated by Insurance Commissioner; removing limitation on
 16 amount that may be charged for medication used to treat sexually transmitted diseases;
 17 and removing archaic language related to testing of sexually transmitted diseases.

Be it enacted by the Legislature of West Virginia:

1 That §16-3C-2 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted; that said code be amended by adding thereto two new sections, designated §16-3C-2a
 3 and §16-3C-2b; and that §16-4-19 of said code be amended and reenacted, all to read as follows:

**ARTICLE 3C. AIDS-RELATED MEDICAL TESTING AND RECORDS
 CONFIDENTIALITY ACT.**

**§16-3C-2. Testing HIV-related testing; methods for obtaining consent; billing patient health
 care providers.**

1 (a) HIV-related testing ~~on a voluntary basis~~ should be recommended by ~~any~~ healthcare
 2 ~~provider in a health facility~~ providers as part of a routine screening for treatable conditions and as
 3 part of routine prenatal and perinatal care. A physician, dentist, nurse practitioner, nurse midwife,
 4 physician assistant or the commissioner may also request targeted testing for any of the following:

5 (1) When there is cause to believe that the test could be positive. Persons who engage in
 6 high risk behavior should be encouraged to be screened for HIV at least annually;

7 (2) When there is cause to believe that the test could provide information important in the
 8 care of the patient; or

9 (3) When there is cause to believe that the results of HIV-testing of samples of blood or
 10 body fluids from a source patient could provide information important in the care of medical or
 11 emergency responders or other persons identified in ~~regulations~~ rules proposed by the
 12 department for approval by the Legislature in accordance with the provisions of article three,
 13 chapter twenty-nine-a of this code: *Provided*, That the source patient whose blood or body fluids
 14 is being tested pursuant to this section must have come into contact with a medical or emergency
 15 responder or other person in such a way that a significant exposure has occurred;

16 (4) When there is no record of any HIV-related or other sexually transmitted disease testing
 17 during pregnancy and the woman presents for labor and delivery.

18 (b) All healthcare providers, the bureau, or a local health department, that routinely bill
 19 insurance companies or other third-party providers may bill for HIV-related testing and treatment.

20 ~~(b)~~ (c) A patient voluntarily consents to the test as follows: HIV-related testing when:

21 (1) The patient is informed either orally or in writing that:

22 (A) HIV-related testing will be performed as part of his or her routine care; ~~that~~

23 (B) HIV-related testing is voluntary; and ~~that the patient~~

24 (C) He or she may decline HIV-related testing (opt-out); or

25 (2) The patient is informed that the patient=s general consent for medical care includes
 26 consent for HIV-related testing.

27 ~~(c)~~ (d) A patient ~~refuses to consent to the test if a patient~~ who opts-out of HIV-related
 28 testing ~~the patient is informed when the health care provider in the provider=s professional opinion~~
 29 ~~believes HIV-related testing is recommended, and~~ must be informed that hat HIV-related testing
 30 may be obtained anonymously at a local or county health department.

31 ~~(d)~~ (e) Any person seeking an HIV-related test in a local or county health department or at
 32 other HIV test setting provided by the commissioner who wishes to remain anonymous has the
 33 right to do so, and ~~to~~ must be provided written informed consent through the use of a coded
 34 system with no linking of individual identity to the test request or results.

35 (f) County or local health departments that routinely bill insurance companies or other third
 36 party payers for service may bill for an HIV-related test if the person requesting the test does not
 37 request to remain anonymous. No person may be refused a test at a local health department
 38 because of a lack of insurance or due to a request to remain anonymous.

39 ~~(e)~~ (g) ~~No option to~~ A person may not decline or opt-out of HIV-related testing is required
 40 and the provisions of ~~subsection~~ subsections (a) and ~~(b)~~ (c) of this section do not apply ~~for the~~
 41 following: when:

42 (1) A health care provider or health facility ~~performing an HIV-related test on the donor or~~
 43 ~~recipient when the health care provider or health facility procures, processes, distributes or uses~~
 44 a

45 (A) A human body part (including tissue and blood or blood products) donated for: a

46 (i) A purpose specified under the uniform anatomical gift act; or ~~for transplant~~

47 (ii) ~~Transplant~~ recipients; or ~~semen~~

48 (B) ~~Semen~~ provided for the purpose of artificial insemination and ~~such an HIV-related~~ test
 49 is necessary to assure medical acceptability of a recipient or such gift or semen for the purposes
 50 intended;

51 (2) ~~The performance of an HIV-related test in~~ A person is unable or unwilling to grant or
 52 withhold consent as the result of a documented bona fide medical emergencies emergency, as

53 determined by a treating physician taking into account the nature and extent of the exposure to
54 another person ~~when the subject of the test is unable or unwilling to grant or withhold consent,~~
55 and the HIV-related test results are necessary for medical diagnostic purposes to provide
56 appropriate emergency care or treatment to a medical or emergency responder, or any other
57 person who has come into contact with a source patient in such a way that a significant exposure
58 necessitates HIV-testing or to a source patient who is unable to consent in accordance with rules
59 proposed by the department for approval by the Legislature in accordance with article three,
60 chapter twenty-nine-a of this code: *Provided*, That necessary treatment may not be withheld
61 pending HIV test results: *Provided, however*, That all sampling and HIV-testing of samples of
62 blood and body fluids, without the opportunity for the source patient or patient=s representative to
63 opt-out of the testing, shall be through the use of a pseudonym and in accordance with rules
64 proposed by the department for approval by the Legislature in accordance with article three,
65 chapter twenty-nine-a of this code; or

66 (3) The performance of an HIV-related test for the purpose of research if the testing is
67 performed in a manner by which the identity of the test subject is not known and may not be
68 retrieved by the researcher.

69 ~~(f) Mandated testing:~~

70 ~~(1) The performance of any HIV related testing that is or becomes mandatory by court~~
71 ~~order or other legal process described herein does not require consent of the subject but will~~
72 ~~include counseling.~~

73 ~~(2) The court having jurisdiction of the criminal prosecution shall order that an HIV-related~~
74 ~~test be performed on any persons charged with any of the following crimes or offenses:~~

75 ~~(i) Prostitution; or~~

76 ~~(ii) Sexual abuse, sexual assault, incest or sexual molestation.~~

77 ~~(3) HIV-related tests performed on persons charged with prostitution, sexual abuse, sexual~~
78 ~~assault, incest or sexual molestation shall be confidentially administered by a designee of the~~

79 bureau or the local or county health department having proper jurisdiction. The commissioner may
80 designate health care providers in regional jail facilities to administer HIV-related tests on such
81 persons if he or she determines it necessary and expedient.

82 ~~(4) When the Commissioner of the Bureau of Public Health knows or has reason to~~
83 ~~believe, because of medical or epidemiological information, that a person, including, but not~~
84 ~~limited to, a person such as an IV drug abuser, or a person who may have a sexually transmitted~~
85 ~~disease, or a person who has sexually molested, abused or assaulted another, has HIV infection~~
86 ~~and is or may be a danger to the public health, he or she may issue an order to:~~

87 ~~(i) Require a person to be examined and tested to determine whether the person has HIV~~
88 ~~infection;~~

89 ~~(ii) Require a person with HIV infection to report to a qualified physician or health worker~~
90 ~~for counseling; and~~

91 ~~(iii) Direct a person with HIV infection to cease and desist from specified conduct which~~
92 ~~endangers the health of others.~~

93 ~~(5) If any person violates a cease and desist order issued pursuant to this section and, by~~
94 ~~virtue of that violation, the person presents a danger to the health of others, the commissioner~~
95 ~~shall apply to the circuit court of Kanawha County to enforce the cease and desist order by~~
96 ~~imposing any restrictions upon the person that are necessary to prevent the specific conduct that~~
97 ~~endangers the health of others.~~

98 ~~(6) A person convicted of the offenses described in this section shall be required to~~
99 ~~undergo HIV-related testing and counseling immediately upon conviction and the court having~~
100 ~~jurisdiction of the criminal prosecution may not release the convicted person from custody and~~
101 ~~shall revoke any order admitting the defendant to bail until HIV-related testing and counseling~~
102 ~~have been performed and the result is known. The HIV-related test result obtained from the~~
103 ~~convicted person is to be transmitted to the court and, after the convicted person is sentenced,~~
104 ~~made part of the court record. If the convicted person is placed in the custody of the Division of~~

105 ~~Corrections, the court shall transmit a copy of the convicted person's HIV-related test results to~~
106 ~~the Division of Corrections. The HIV-related test results shall be closed and confidential and~~
107 ~~disclosed by the court and the bureau only in accordance with the provisions of section three of~~
108 ~~this article.~~

109 ~~(7) The prosecuting attorney shall inform the victim, or parent or guardian of the victim, at~~
110 ~~the earliest stage of the proceedings of the availability of voluntary HIV-related testing and~~
111 ~~counseling conducted by the bureau and that his or her best health interest would be served by~~
112 ~~submitting to HIV-related testing and counseling. HIV-related testing for the victim shall be~~
113 ~~administered at his or her request on a confidential basis and shall be administered in accordance~~
114 ~~with the Centers for Disease Control and Prevention guidelines of the United States Public Health~~
115 ~~Service in effect at the time of such request. The victim who obtains an HIV-related test shall be~~
116 ~~provided with pre and post test counseling regarding the nature, reliability and significance of the~~
117 ~~HIV-related test and the confidential nature of the test. HIV-related testing and counseling~~
118 ~~conducted pursuant to this subsection shall be performed by the designee of the commissioner~~
119 ~~of the bureau or by any local or county health department having proper jurisdiction.~~

120 ~~(8) If a person receives counseling or is tested under this subsection and is found to be~~
121 ~~HIV infected and the person is not incarcerated, the person shall be referred by the health care~~
122 ~~provider performing the counseling or testing for appropriate medical care and support services.~~
123 ~~The local or county health departments or any other agency under this subsection may not be~~
124 ~~financially responsible for medical care and support services.~~

125 ~~(9) The commissioner of the bureau or his or her designees may require an HIV test for~~
126 ~~the protection of a person who was possibly exposed to HIV infected blood or other body fluids~~
127 ~~as a result of receiving or rendering emergency medical aid or who possibly received such~~
128 ~~exposure as a funeral director. Results of such a test of the person causing exposure may be~~
129 ~~used by the requesting physician for the purpose of determining appropriate therapy, counseling~~
130 ~~and psychological support for the person rendering emergency medical aid including good~~

131 ~~Samaritans, as well as for the patient, or individual receiving the emergency medical aid.~~

132 ~~(10) If an HIV-related test required on persons convicted of prostitution, sexual abuse,~~
133 ~~sexual assault, incest or sexual molestation results in a negative reaction, upon motion of the~~
134 ~~state, the court having jurisdiction over the criminal prosecution may require the subject of the~~
135 ~~test to submit to further HIV-related tests performed under the direction of the bureau in~~
136 ~~accordance with the Centers for Disease Control and Prevention guidelines of the United States~~
137 ~~Public Health Service in effect at the time of the motion of the state.~~

138 ~~(11) The costs of mandated testing and counseling provided under this subsection and~~
139 ~~pre and postconviction HIV-related testing and counseling provided the victim under the direction~~
140 ~~of the bureau pursuant to this subsection shall be paid by the bureau.~~

141 ~~(12) The court having jurisdiction of the criminal prosecution shall order a person convicted~~
142 ~~of prostitution, sexual abuse, sexual assault, incest or sexual molestation to pay restitution to the~~
143 ~~state for the costs of any HIV-related testing and counseling provided the convicted person and~~
144 ~~the victim, unless the court has determined the convicted person to be indigent.~~

145 ~~(13) Any funds recovered by the state as a result of an award of restitution under this~~
146 ~~subsection shall be paid into the State Treasury to the credit of a special revenue fund to be~~
147 ~~known as the "HIV-testing fund" which is hereby created. The moneys so credited to the fund may~~
148 ~~be used solely by the bureau for the purposes of facilitating the performance of HIV-related testing~~
149 ~~and counseling under the provisions of this article.~~

150 ~~(g) Nothing in this section is applicable to any insurer regulated under chapter thirty-three~~
151 ~~of this code: *Provided*, That the commissioner of insurance shall develop standards regarding~~
152 ~~consent for use by insurers which test for the presence of the HIV antibody.~~

153 ~~(h) Whenever consent of the subject to the performance of HIV-related testing is required~~
154 ~~under this article, any such consent obtained, whether orally or in writing, shall be considered to~~
155 ~~be a valid and informed consent if it is given after compliance with the provisions of subsection~~
156 ~~(b) (c) of this section.~~

§16-3C-2a. Mandatory testing.

1 (a) HIV-related testing that is or becomes mandatory by either a magistrate or circuit court
2 order or other legal process does not require consent of the subject.

3 (b) Upon the request of the victim or the victim's parent or legal guardian, and notice to
4 the defendant or juvenile respondent, a prosecuting attorney shall apply to a magistrate or circuit
5 court for an order directing a defendant charged or a juvenile subject to a petition involving any of
6 the following offenses:

7 (1) Prostitution; or

8 (2) Sexual abuse, sexual assault, or incest to submit to an appropriate human
9 immunodeficiency virus, HIV-related test.

10 (c) Upon a motion filed pursuant to subsection (b), a court shall require the defendant or
11 juvenile respondent to submit to HIV-related testing not later than forty-eight hours after the
12 issuance of the order: *Provided*, That HIV-related testing may not be performed later than forty-
13 eight hours after the filing of any indictment regarding an adult defendant or an adjudication order
14 regarding a juvenile respondent, without a court order based upon a finding of good cause.

15 (d) The results of testing performed pursuant to this section shall be provided to the
16 prosecuting attorney, who shall promptly transmit the results to:

17 (1) The victim or victim's parent or legal guardian;

18 (2) Counsel for the defendant or juvenile respondent; and

19 (3) The court having jurisdiction over the trial of the matter.

20 (e) HIV-related tests performed on persons charged with prostitution, sexual abuse or
21 assault, or incest shall be confidentially administered by a designee of the bureau or the local or
22 county health department having proper jurisdiction. The commissioner may designate health
23 care providers in regional jails or other correctional facilities to administer HIV-related tests on
24 such persons if he or she determines it necessary and expedient.

25 (f) Nothing in this section prevents a court from ordering, at any time during which the

26 charge or juvenile petition is pending, that a defendant or juvenile submit to one or more
27 appropriate tests to determine if he or she is infected with HIV.

28 (g) A court may order follow-up tests for HIV as may be medically appropriate.

29 (h) Costs associated with tests performed pursuant to this section may be charged to a
30 defendant or juvenile respondent, unless a court determines that the defendant or juvenile is
31 pecuniarily unable to pay.

32 (1) If a defendant or juvenile is unable to pay, the cost of the HIV testing may be borne by
33 the regional jail or other correctional or juvenile facility, the bureau, or the local health department.

34 (2) If a defendant or juvenile who is ordered to be tested has health insurance, the local
35 health department or other providers performing the test, may bill the defendant's or juvenile's
36 health insurance for the cost of the test.

37 (3) A defendant or juvenile ordered to submit to HIV-related tests by a magistrate or circuit
38 court may not be permitted to remain anonymous and a local health department may administer
39 and bill for the test.

40 (i) A person convicted or a juvenile adjudicated of the offenses described in subsection
41 (b) of this section shall be required to undergo HIV-related testing and counseling immediately
42 upon conviction or adjudication and the court having jurisdiction of the matter may not release the
43 convicted or adjudicated person from custody and shall revoke any order admitting the defendant
44 or juvenile to bail until HIV-related testing and counseling have been performed and the result is
45 known: *Provided*, That if the person convicted or adjudicated has already been tested in
46 accordance with the provisions of this section, and the result is positive, that person need not be
47 retested. The HIV-related test result is to be transmitted to the court and, after sentencing or
48 adjudication, is to be made part of the court record. If the convicted or adjudicated person is
49 placed in the custody of the Division of Corrections or Regional Jail and Correctional Facility
50 Authority, or if the adjudicated juvenile is placed in the custody of the Division of Juvenile Services
51 or other out-of-home placement, the court shall transmit a copy of the convicted or adjudicated

52 person's HIV-related test results to the appropriate custodial agency. The HIV-related test results
53 shall be closed and confidential and disclosed by the court and the bureau only in accordance
54 with the provisions of section three of this article.

55 (j) The prosecuting attorney shall inform a victim, or parent or guardian of the victim, of an
56 offense described in subsection (b) of this section, at the earliest stage of the proceedings of the
57 availability of voluntary HIV-related testing and counseling conducted by the bureau and that his
58 or her best health interest would be served by submitting to HIV-related testing and counseling.

59 (1) HIV-related testing for a victim shall be administered at his or her request on a
60 confidential basis and shall be administered in accordance with the Centers for Disease Control
61 and Prevention guidelines of the United States Public Health Service in effect at the time of such
62 request.

63 (2) A victim who obtains an HIV-related test shall be provided with pretest and post-test
64 counseling regarding the nature, reliability and significance of the HIV-related test and the
65 confidential nature of the test.

66 (k) If a person who receives counseling or is tested under this section, is found to be HIV
67 infected and is not incarcerated, the person shall be referred by the health care provider
68 performing the counseling or testing for appropriate medical care and support services. The local
69 or county health departments or any other agency under this subsection may not be held
70 financially responsible for medical care and support services.

71 (l) If the HIV-related test required of a person charged with, or convicted of, prostitution,
72 sexual abuse, sexual assault or incest results in a negative reaction, upon motion of the state, the
73 court having jurisdiction over the criminal prosecution may require the subject of the test to submit
74 to further HIV-related tests performed under the direction of the bureau in accordance with the
75 Centers for Disease Control and Prevention guidelines of the United States Public Health Service
76 in effect at the time of the motion of the state.

77 (m) The costs of mandated testing and counseling provided under this section, and

78 preconviction and post-conviction HIV-related testing and counseling provided the victim under
79 the direction of the bureau pursuant to this subsection, shall be paid by the individual to be tested
80 or his or her medical insurance provider, if possible.

81 (n) A court having jurisdiction of a criminal prosecution shall order a person convicted of
82 prostitution, sexual abuse, sexual assault or incest to pay restitution to the state for the costs of
83 any HIV-related testing and counseling provided the convicted person and the victim, unless the
84 court determines the convicted person is indigent.

85 (o) Any funds recovered by the state as a result of an award of restitution under this section
86 shall be paid into the State Treasury to the credit of a special revenue fund to be known as the
87 HIV-Testing Fund which is hereby created. The moneys so credited to the fund may be used
88 solely by the bureau for the purposes of facilitating the performance of HIV-related testing and
89 counseling under the provisions of this article.

§16-3C-2b. Commissioner's authority to order testing.

1 (a) When the commissioner knows or has reason to believe, because of medical or
2 epidemiological information, that a person, including, but not limited to, an IV drug abuser, or a
3 person who may have a sexually transmitted disease, or a person who has sexually abused or
4 assaulted another, has HIV infection and is or may be a danger to the public health, he or she
5 may issue an order to:

6 (1) Require the person to be examined and tested to determine whether the person has
7 HIV infection;

8 (2) Require the person with HIV infection to report to a qualified physician or health worker
9 for counseling; and

10 (3) Direct the person with HIV infection to cease and desist from specified conduct that
11 endangers the health of others; and

12 (4) Bill that person for the necessary laboratory and associated costs for counseling and
13 testing either directly or by billing the person's medical insurance provider.

14 (b) If a person violates a cease-and-desist order issued pursuant to this section and, by
 15 virtue of that violation, the person presents a danger to the health of others, the commissioner
 16 may apply to the circuit court of Kanawha County to enforce the cease-and-desist order by
 17 imposing any restrictions upon the person necessary to prevent the specific conduct that
 18 endangers the health of others.

19 (c) The commissioner or his or her designees may require an HIV test for the protection
 20 of a person who was possibly exposed to HIV-infected blood or other body fluids as a result of
 21 receiving or rendering emergency medical aid or who possibly received such exposure as a
 22 funeral director. Results of such a test of the person causing exposure may be used by the
 23 requesting physician for the purpose of determining appropriate therapy, counseling and
 24 psychological support for the person rendering emergency medical aid including good
 25 Samaritans, as well as for the patient or individual receiving the emergency medical aid.

ARTICLE 4. SEXUALLY TRANSMITTED DISEASES.

§16-4-19. Voluntary submission to examination and treatment; charges; disposition of money collected.

1 (a)(1) Any resident of the Any person state may at any time report to any municipal or
 2 county health officer having jurisdiction of the case department and voluntarily submit himself or
 3 herself to all tests and examination as are examinations necessary to ascertain whether in fact
 4 the person submitting himself for he or she examination is infected with a venereal sexually
 5 transmitted disease; and said health officer to whom any party has applied as above for tests and
 6 examination shall provide for making all such the health department shall conduct and administer
 7 all necessary tests and examinations as are necessary to ascertain whether in fact said party so
 8 applying be so infected with a venereal the person has any sexual transmitted disease.

9 (2) A person who is tested for sexually transmitted diseases at a local health department
 10 pursuant to this subsection shall be responsible for paying the reasonable costs of testing, either
 11 directly or through billing the person's medical provider.

12 (3) Local health departments may charge in accordance with their existing fee schedules
13 and may charge patients for such testing on a sliding fee scale.

14 ~~(b)(1) If such tests and examinations show said party so applying to be so infected, then~~
15 ~~said party~~ a person tested and examined pursuant to subsection (a) of this section to have a
16 sexually transmitted disease, then the person shall elect whether he or she will take treatment ~~of~~
17 ~~from~~ a private physician, or whether he or she will take treatment ~~to be provided by the health~~
18 ~~officer through a clinic or otherwise, and~~ from the local health department.

19 ~~if he~~ (2) If a person elects to take treatment through the local health officer's arrangement
20 department, he or she may be required to pay for such treatment ~~at a charge which shall in no~~
21 ~~case exceed the sum of \$5 for each dose of "neo" or arsphenamine administered for syphilis, and~~
22 ~~at a nominal cost for other medicines used; but if the patient is unable to pay anything, he shall~~
23 ~~be treated free of charge under the direction of the local health officer, at a clinic or otherwise~~
24 either directly or by the local health department billing the person's health insurance provider.

25 (3) Local health departments may charge in accordance with their existing fee schedules
26 and may charge patients for treatment on a sliding fee scale.

27 (4) No individual may be refused treatment at a local health department because of a lack
28 of insurance or inability to pay.

29 (c) All proper charges for ~~such~~ examination and treatment as that may be necessary
30 ~~hereunder shall be a proper charge against the municipality or county, as the case may be,~~
31 ~~whether said party so taking treatment lived in or out of a municipal corporation. And whether said~~
32 ~~person proposing to take treatment as provided hereunder elect to take from a private physician~~
33 ~~or elect to take treatment under the direction of the local health officer, he shall first sign the~~
34 ~~agreement required to be signed by persons about to be released from detention or quarantine,~~
35 ~~and shall observe all its provisions, and so long as such person so signing shall so observe these~~
36 ~~provisions he need not be detained or quarantined pending treatment, except that no person who~~
37 ~~is known as a prostitute, or as a person associating with such, or as a person who resides in any~~

38 ~~house having the reputation of being a house of prostitution, or who frequents the same, shall be~~
39 ~~allowed at liberty if infected with a venereal disease in an infectious stage, even though he or she~~
40 ~~does voluntarily submit for examination and treatment and does take treatment under the~~
41 ~~provisions of this section. pursuant to this section shall be paid by the individual or by that person's~~
42 ~~health insurance provider.~~

43 (d) All money collected under this section shall be paid ~~into a clinic fund, if one is provided,~~
44 ~~and if not then into the county or city treasury, as the case may be; to the local health department~~
45 ~~doing the testing~~ and the local health officer having jurisdiction shall collect and account for such
46 funds collected hereunder.

NOTE: The purpose of this bill is to remove the prohibition on billing persons for HIV testing or testing for sexually transmitted diseases conducted by the state Bureau for Public Health or county or local health departments. The bill allows public health agencies to charge patients or their medical insurance providers for the reasonable costs for testing. It also clarifies the procedures for testing persons accused of a sexual offense for HIV or STDs.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.